

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: TANIA REYES, Debtor, TANIA REYES Movant, v. LVNV FUNDING, LLC Respondents.	Bankruptcy No. 22-13453-amc Chapter 13 Related to Doc. No. 53
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RESPONSE TO OBJECTION TO LVNV FUNDING LLC'S CLAIM #3

AND NOW, comes Movant, LVNV Funding, LLC (the "LVNV"), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Response to the Debtor's Objection to Claim #3 (the "Response"), representing as follows:

1. Admitted.
2. Admitted.
3. Denied. By the way of further response, LVNV has attached information as to the prior owner of the account, including but not limited to a Bill of Sale, Transfer and Assignment and Limited Power of Attorney. This account stems from a paypal account, which the original creditor was "Comenity Capital Bank".
4. Denied. By the way of further response, the last payment date and last transaction date is listed as November 24, 2018. Additionally, Debtor has filed multiple bankruptcies which has tolled the statute of limitations. A true and correct copy of the calculation of tolled statute of limitations is attached hereto as Exhibit A. Although the last payment date is in 2018, due to the tolled statute of limitations, the claim is timely filed.

5. Admitted.
6. Denied. By the way of further response, a “charge-off” date does not mean that it is not collectible it is simply an internal accounting principle and does not legally reflect collectability.
7. Denied. By the way of further response, Debtor has filed multiple bankruptcies which has tolled the statute of limitations. A true and correct copy of the calculation of tolled statute of limitations is attached hereto as Exhibit A. Although the last payment date is in 2018, due to the tolled statute of limitations, the claim is timely filed.
8. Denied. By the way of further response, see LVNV’s response to paragraph three (3) and four (4) above.
9. Denied. By the way of further response, see LVNV’s response to paragraph three (3) and four (4) above. LVNV’s Claim No. 3 should govern in full as an unsecured claim.

WHEREFORE, LVNV Funding, LLC respectfully requests that this Honorable Court overrule Debtor’s objection to LVNV’s Claim No. 3 and allow it govern in full.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: January 30, 2024